

# **DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO**

(Testifying By Way of Deposition Only)  
(Counter-Designations in italicized text)  
Deposition July 15, 16 & 18, 2005

Plaintiffs' Designations	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Counter-Designations	Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Counter-Designations
				Off limited but structured will be given	Defendants object to the introduction of all environmental evidence pursuant to FRE 401-403, in addition to the specific objections identified below.
5:12-14					
5:17-18					
6:11-14					
5:24					
6:1-6:6					
9:25-10:4					
10:7-13					

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10:15-18					
10:20-11:1					
13:2-3					
14:22					
14:24					
15:14-15					
15:17-18					
16:21-22					
16:24					
17:1-2 17:5-6	FRE 401-403, 602 irrelevant; lacks foundation, no personal knowledge of saltness of waterways in past. <i>See also</i> Order re: environmental expert and	q1R			

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17:19-24	FRE 401-403 number of trees in Obe-Arenewo is irrelevant and too tangential, particularly because Arenewo is <b>not</b> a plaintiff. <i>See also</i> Order re: environmental expert and issues (Dkt. # 1210).	OR			
21:3-12	21:3-12 FRE 401-403, 602, 701 irrelevant to claims and more prejudicial than probative, lacks foundation as to what caused demise of fish; improper lay expert opinion on a scientific issue. <i>See also</i> Order re: environmental expert and issues (Dkt. # 1210).	OR			
21:16-18	21:16 FRE 401-403, 602, 701 irrelevant to claims and	OR			

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	more prejudicial than probative, lacks foundation as to what caused demise of fish; improper lay expert opinion on a scientific issue. <i>See also</i> Order re: environmental expert and issues (Dkt. # 1210).				
21:21-22					
22:11-12	FRE 401-403 fish and trees in <b>1980s</b> are irrelevant, more prejudicial than probative and too remote in time.	QR			
22:14-18	FRE 401-403 fish and trees in <b>1980s</b> are irrelevant, more prejudicial than probative and too remote in time.	QR			
22:20	FRE 401-403 fish and trees in <b>1980s</b> are irrelevant, more prejudicial than probative.	QR			

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23:7-13	23:7-12 FRE 401-403, 602, 701 trees and injury allegedly caused by salinity in <b>1980s</b> are irrelevant and more prejudicial, particularly because too remote; Arenewo is <b>not</b> a plaintiff; lacks foundation as to what caused demise of fish; improper lay expert opinion on a scientific issue. See also Order re: environmental expert and issues (Dkt. # 1210).	<i>This is overruled</i> QR			
23:16-19					
23:22-25	23:24-25 FRE 401-403 irrelevant and more prejudicial that probative;				

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	improper leading question.				
24:3-15	24:3-15 FRE 401-403 irrelevant and more prejudicial than probative; improper leading question.	O/R			
24:17-21	24:17 FRE 401-403 irrelevant and more prejudicial than probative; improper leading question.	not leading O/R			
27:21-23 28:2-5 28:8-13 28:16-29:13 29:16-18 29:20-21	27:21-23; 28:2-5; 28:8-11 FRE 401-403, 602 Amount of fish caught is irrelevant, lacks foundation as witness demonstrates no personal knowledge. 28:12-13; 28:16-29:11 FRE 401-403, 602, 701 irrelevant and more prejudicial than probative, lacks foundation and opinion re: fish dying is	O/R O/R O/R			



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	impermissible lay opinion on a scientific issue. See <i>also</i> Order re: environmental expert and issues (Dkt. # 1210). 28:20-21 Colloquy of counsel is irrelevant, waste of time. FRE 401-403.	<i>Not relevant</i>			
32:13-18 32:21-22					
36:14 36:16-19 36:22-25 37:2-18 38:1-3 38:6-9 38:12-15	36:24-25; 37:2-37:16 Answer is not responsive to the question and should be stricken; FRE 802, 1001-1003 testimony is hearsay recounting of content of the letter; best evidence of what letter asked is the letter. 38:2-3; 38:6-7 FRE 602 Facts assumed by question	<i>O/R</i>			

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38:17-20 38:24-39:2 39:4-7 39:10-11 39:14-20	lack foundation, assume facts not in evidence. 38:14-15; 38:17-20; 38:24-25; 39:6-7; 39:10-11; 39:14-20: FRE 611(c) impermissible leading questions.	O/R			
40:16 40:18					
			41:14-15; 41:18-21		
43:16-17 43:20-22 43:24-44:3			42:25-43:1; 43:4-5		



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45:6-11					
46:8-11			45:14-15; 45:19-46:1		
46:14-24					
49:3-4					
49:7-10					
49:13-16					
49:18-21					
49:24					
			50:6-7; 50:10-15		
			50:24-51:3		
			51:6-9		

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				<i>Counter-Designate: 52:6-7, 9-10</i>	
55:1-18					
56:11-19					
57:15-17					
57:24-58:11	FRE 602, 802, 1001-1003 report of conversation in English (see 57:15-17) in Ikorigbo is hearsay and double hearsay when it relates content of letter, no personal knowledge; letter is best evidence of what letter said.	<i>Sustained</i>			
59:3-22	FRE 401-403, 602, 701, 802, 1001-1003 reference to water is more prejudicial than probative, lacks	<i>Sustained</i>			

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	foundation, and improperly includes lay expert opinion on a scientific matter. See <i>also</i> Order re: environmental expert and issues (Dkt. # 1210); report of conversation in English (see 57:15-17) in Ikorigho is hearsay and double hearsay when it relates content of letter, no personal knowledge; letter is best evidence of what letter said.				
60:25-61:1 61:3-5	61:3 beginning with "He" - 61:5 FRE 602 witness lacks personal information on whether everything was translated because he does not speak English.	O/R			
61:16-23	This is all information that he heard from Judah Ajidibo see 61:12-15. FRE 602,	Sustained			

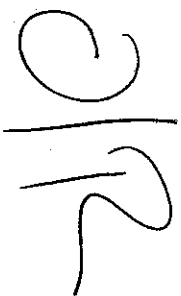
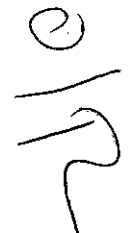

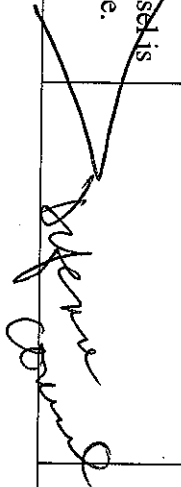
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	802, 1001-1003 report of conversation in English (see 57:15-17) in Ikorigbo is hearsay, no personal knowledge.				
61:24-62:13	This is all information that he heard from Judah Ajidibo see 61:12-15. FRE 602, 802, 1001-1003 report of conversation in English (see 57:15-17) in Ikorigbo is hearsay, no personal knowledge.	<i>Sustained</i>			
63:23-24					
64:2					
64:14-65:2 65:4-66:11	64:17 "and" -64:18 602 lacks foundation as to what "Deji said" because witness did	<i>OK</i>			

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66:14-67:19	not understand English.  64:25-65:2; 65:4-16 This is all information that he heard from Judah Ajidibo see 61:12-15. FRE 602, 802, 1001-1003 report of conversation in English (see 57:15-17) in Ikorigho is hearsay, no personal knowledge; also hearsay to the extent it recites what the Elders said. 65:22-25: FRE 611(c) leading. 66:22 (beginning with "since")-66:23 (ending with "morning"): FRE 802 Hearsay. 67:8 Colloquy of counsel is irrelevant, waste of time. FRE 401-403.	   			

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	67:11-19 FRE 401-403, 602, 802 lacks personal know, hearsay about what fishermen said, nor is it admissible for any other purpose that is relevant to plaintiffs' claims.	O/R			
<b>Rebuttal Designations re Tugboat Incident – Offered Only if Incident is allowed in Defendants' Case</b>					
72:19-20					
72:22-23					
73:1					



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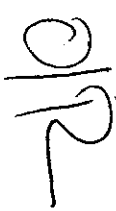


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73:9-12 73:15-18 73:20-24					
78:13-23					
80:4-11 80:17-18 80:22-23 81:1-5 81:7-21 81:24-82:5 82:8	80:8-11; 80:17-18; 80:22-23; 81:1-3 FRE 401-403; 802 more prejudicial than probative because it is very confusing; hearsay and not relevant for any other purpose. 81:4-5; 81:7-12 802 Hearsay and not relevant for any other purpose. 81:13 Colloquy of counsel is irrelevant, waste of time.	OK OK	79:18-25; 80:2		

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	FRE 401-403.				
82:25-83:2 83:4	FRE 401-403, 602 irrelevant, more prejudicial than probative, speculation.	O/R			
84:15 84:18-85:1					
86:19-20 86:23-87:3 87:6-10 87:12-17 87:19-24 88:1-5 88:7-8	86:19-20; 86:23-24 FRE 401-403 irrelevant. 87:1-3; 87:6-10; 87:12-17; 87:19 611(c), 802 Leading, hearsay.	O/R			
88:19-22					

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90:14-21	FRE 802 hearsay.				
			79:18-25; 80:2	Irrelevant, FRE 403. 	See <i>supra</i> Defendants' Response Showing that Further Kidnapping of the Cheryl Ann Tug Crew is Relevant.
			141:1-5	Irrelevant as to whether the Ijaw "invaded" this community; hearsay; witness has no personal knowledge re: alleged "invasion"; FRE 403 (see 141:18-142:4). 	Plaintiffs are seeking compensation for lost earning capacity, and testimony relating to when the Ijaw/Ilaie crisis began is relevant to the plaintiffs' damages because their capacity to earn (i.e., their businesses) was destroyed by the Ijaws when the crisis began.
			141:9-15	Irrelevant as to whether the Ijaw "invaded" this community; hearsay; 	Plaintiffs are seeking compensation for lost earning capacity, and

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				witness has no personal knowledge re: alleged "invasion"; FRE 403 (see 141:18-142:4).	testimony relating to when the Ijaw/Ilaje crisis began is relevant to the plaintiffs' damages because their capacity to earn (i.e., their businesses) was destroyed by the Ijaws when the crisis began.
			142:23-143:9		
			282:5-10		
			284:2-11; 284:14-17		
			292:17-293:7; 293:9-294:14		
			298:4-6		
			304:8-11		
			342:9-13		

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			352:16-18; 352:21-22		